

ORDINANCE NO. 5811

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING SECTION 14.08.150 OF
CHAPTER 14.08 OF TITLE 14 OF THE SANTA BARBARA
MUNICIPAL CODE REGARDING THE WATER METERING
REQUIREMENTS FOR NEW DWELLING UNITS AND
ACCESSORY DWELLING UNITS

WHEREAS, the California State Legislature enacted amendments to Government Code Section 65852.2, limiting the manner in which local agencies may regulate the development of accessory dwelling units, including a limitation on local agencies requiring separate utility connections for certain types of accessory dwelling units; and

WHEREAS, the California State Legislature also enacted Water Code Section 537.1, requiring all multifamily development, approved on or after January 1, 2018, to be separately metered in order to measure the consumption of water within each individual unit.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 14.08.150 of Chapter 14.08 of Title 14 of the Santa Barbara Municipal Code is amended to read as follows:

14.08.150 New Dwelling Units - Metering Requirements.

A. GENERAL RULE. Every new dwelling unit, including condominium units and apartment units, shall be served by a separate meter.

B. PROJECTS OF FOUR OR FEWER UNITS. For projects adding four (4) or fewer new dwelling units, common area uses on the lots or parcels within the project including, but not limited to, irrigation, water features (pools, spas, fountains), and shared laundry facilities, may be served by the meter or meters measuring the water supplied to the dwelling units or may be served by a separate meter or meters. For purposes of this subsection, if a project demolishes an existing dwelling unit and constructs a new dwelling unit in its place, the resulting unit shall be considered a new dwelling unit.

C. PROJECTS OF FIVE OR MORE UNITS. For projects adding five (5) or more dwelling units, the meters measuring the water supplied to the interior of the dwelling units shall only measure the water use within the dwelling units. All other uses on the lots or parcels within the project, including, but not limited to, irrigation, water features (pools,

spas, fountains), and shared laundry facilities, shall be served by one or more meters separate from the meters measuring the water supplied to the dwelling units. For purposes of this subsection, if a project demolishes an existing dwelling unit and constructs a new dwelling unit in its place, the resulting unit shall be considered a new dwelling unit.

D. LOW INCOME HOUSING PROJECTS. For developments in which 100% of the units are rental units which are affordable to very low or low income households, one water meter may serve six (6) residential dwelling units if the following conditions are met:

(1) A covenant is recorded in the Official Records of the County of Santa Barbara against the title which states: (a) all of the residential units on the Real Property shall be rented to very low or low income households; (b) the maximum rent and the maximum household income of tenants shall be determined as set forth in the Affordable Housing Policies and Procedures Manual of the City of Santa Barbara, which is adopted by City Council Resolution from time to time; and (c) the maximum rent shall be controlled through recorded documents to assure continued affordability for a term that is consistent with the City's Affordable Housing Policies and Procedures Manual. The City shall be a party to the covenant; and

(2) A covenant is recorded in the Official Records of the County of Santa Barbara against the title which states that the development has received a reduction in the number of water meters required because it is a project with 100% affordable units. In the event that the Real Property, or any portion thereof, is not or cannot be used solely for very low or low income rental housing, either: (i) the structure(s) shall be redesigned and possibly reconstructed and the number of residential units shall be reduced so that there is compliance with the City's water metering requirements then in effect, or (ii) the owner shall provide additional water meters as needed in order to comply with the City's water metering requirements then in effect and owner pay any applicable installation and/or capacity-based fees or costs associated with the additional water meters. The City shall be a party to the covenant. 14.08.160 Conversion of Dwelling Unit to Nonresidential Use. If an existing dwelling unit, or a portion thereof, is converted to a nonresidential use, that nonresidential use shall be metered separately from any existing or proposed dwelling unit(s).

E. ACCESSORY DWELLING UNITS. Accessory dwelling units, as defined under Government Code Section 65852.2, are not required to have a separate water connection directly between the accessory dwelling unit and the water utility. However, where an accessory dwelling unit is either: (1) located in a detached structure that is newly constructed from the ground up, or (2) part of new development on the lot where the

primary residence and the accessory dwelling unit (either attached or detached) are both newly constructed from the ground up, the water service to the accessory dwelling unit shall be measured by a separate meter or a private submeter in accordance with Water Code Section 537.1. If a property owner elects to have a separate water connection directly between the accessory dwelling unit and the water utility, the water service shall be measured by a City water meter and the property owner shall be responsible for any applicable connection fees or capacity charges. The privately owned and maintained water submeter shall be capable of being accessed and read by the tenant of the dwelling unit and read by the landlord without entering the dwelling unit. The City will not be responsible for the installation, certification, maintenance, reading, billing, or testing of the privately owned and maintained water submeter or the associated onsite plumbing.

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STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing ordinance was introduced on November 21, 2017, and was adopted by the Council of the City of Santa Barbara at a meeting held on December 5, 2017, by the following roll call vote:

AYES: Councilmembers Jason Dominguez, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White; Mayor Helene Schneider

NOES: None

ABSENT: None

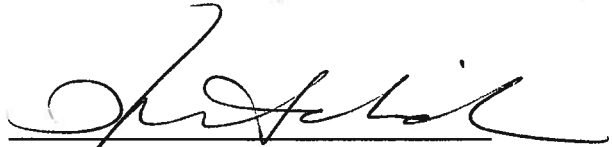
ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on December 6, 2017.



Sarah P. Gorman, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing ordinance on December 6, 2017.



Helene Schneider
Mayor